

64 **Temporary employees**

Agencies may hire employees to “temporary” or “term” appointments of fixed durations, as defined in 5 C.F.R. 316. Temporary or term employees may be included in a unit with other employees, as long as their inclusion would otherwise be appropriate. In addition, a separate unit of temporary employees is appropriate, as long as the unit meets the criteria of section 7112(a)(1) of the Statute.

For detailed guidance on making unit determinations involving “temporary” employees, see RCL 28.

Relevant information includes:

- 1) Documentation as to the type of appointment of these employees.
 - a) Any statutes, federal regulations or executive orders which govern these appointments is obtained.
 - b) Any agency regulations which govern these appointments is obtained.

- 2) For those who have limited tenure, pursuant to their appointment:
 - a) The number of months or years commonly worked by employees, serving in this appointment. It may be necessary to explore, over a period of several years, how persons in this appointment have been employed.
 - b) Pursuant to law, executive order or federal regulation, must the person in this limited tenure appointment be converted to permanent tenure after a certain period of time. Has the activity complied with this requirement?
 - c) Historically, have employees in this limited-tenure appointment competed for and been given appointments of permanent tenure.
 - d) Whether, and how frequently do employees with limited tenure receive new appointments with the same or different tenure - and how long does this usually go on?

- 3) Documentation as to the hours of work of these employees.
 - a) Is there a guarantee of a certain number of hours?
 - b) What is the pattern of number of hours worked by these employees, per week, per month, per year.
- 4) Do these employees who have limited tenure appointments share in a community of interest with those on permanent appointments?
 - a) Do they share in the same supervision?
 - b) Do they work side-by-side with permanent employees?
 - c) What are their assigned duties and what are the duties assigned to those having permanent tenure?
 - d) What are the hours of work of those on limited tenure appointments and what are the hours of work of permanent employees?
 - e) Who handles personnel matters for those who have limited tenure and those who have permanent tenure?
 - f) What type of benefits (e.g., health, retirement, etc.) do temporaries enjoy? Are these the same types of benefits that permanent employees enjoy?
 - g) Are temporary employees in the same competitive areas for RIF as are permanent employees?